

**Minutes of Meeting  
BOARD FOR CONTRACTORS  
INFORMAL FACT-FINDING CONFERENCES  
June 3, 2003 (9:00 a.m.)**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Robert Burch Jr., Board member, presided. No other Board members were present.

Jennifer Kazzie appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries are attached unless no decision was made.

Disc=Disciplinary Case  
Lic=Licensing Application  
RF=Recovery Fund Claim  
Trades=Tradesmen Application

C=Complainant/Claimant  
A=Applicant  
R=Respondent/Regulant  
W=Witness  
Atty = Attorney

Participants

1. Samuel D. Stanley  
t/a Sam & Janice Your Personal Pavers  
File Number 2003-00255 (Disc)
2. Edgar G. Lail  
t/a Lail's Painting & Contracting  
File Number 2003-02794 (Lic)
3. Joseph E. Baker  
t/a Baker Construction  
File Number 2002-03659 (Disc)
4. Georgetown Builders II Inc f/k/a  
Creative Custom Homes Inc.  
File Number 2003-00256 (Disc)
5. Best Improvements and Quality Painting LLC  
File Number 2003-02792 (Lic)

Edward Rhodes - C

Lail – A  
Debra Lail – W

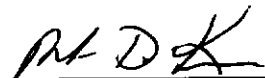
Anita Markle - C  
Wilma Short - C

Donald Best, Jr. – A

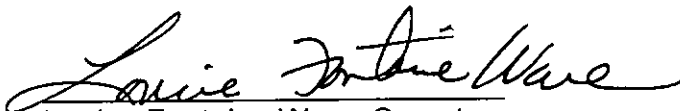
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| 6. Bryan Walsh<br>t/a Solar Connexion<br>File Number 2003-02793 (Lic)              | Walsh – A  |
| 7. Louis Winkler<br>t/a L & G Construction<br>File Number 2003-02795 (Lic)         | Winkler – A  |
| 8. William McMickle<br>t/a Wm. Builder<br>File Number 2003-02796 (Lic)             | McMickle – A   |
| 9. Dominion Building & Construction Corp.<br>File Number 2003-02797 (Lic)          | Richard Tadlock – A<br>Craig Oliver - W              |
| 10. Hamilton Electric<br>File Number 2003-00293 (Disc)                             | Forrest Hamilton – R<br>Sherry Netherland – R. Atty. |
| 11. Michael Lynch<br>t/a Lynch Acoustical Ceilings<br>File Number 2003-02799 (Lic) | Lynch – A  |
| 12. Sean Francis McCoy<br>File Number 2003-02802 (Lic)                             | McCoy – A (will attend 4/29)                         |

The meeting adjourned at 4:00 p.m.

BOARD FOR CONTRACTORS



Mark D. Kinser, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of Records

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

**BOARD FOR CONTRACTORS**

**RE: SAMUEL D. STANLEY  
T/A SAM & JANICE YOUR PERSONAL PAVERS  
LICENSE NUMBER 2705-025133**

**FILE NUMBER: 2003-00255**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Samuel D. Stanley, t/a Sam & Janice Your Personal Pavers (Stanley) on April 24, 2003. The following individuals participated at the conference: R. Edward Rhodes, Complainant; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member. Samuel D. Stanley, t/a Sam & Janice Your Person Pavers did not appear in person or by any other representative.

**Summation of Facts**

1. In June of 2001, R. Edward Rhodes ("Rhodes") entered into a verbal agreement with Sam Stanley ("Stanley"), t/a Sam & Janice Your Personal Pavers, in the amount of \$2,100.00, to pave his driveway at 11210 Brewer Road, Richmond, Virginia.
2. Stanley told Rhodes there was a one year warranty on the driveway. On October 3, 2001, Rhodes sent a letter to Stanley advising him of the hole in the driveway near a deck post.
3. In a letter dated March 29, 2002, Stanley advised Nicole Walton of the Better Business Bureau that the warranty was still in force, and the repairs to the Rhodes' driveway would be done by April 25, 2002. As of October 25, 2002, Stanley had not returned to the Rhodes' residence to repair the driveway as promised.

4. On September 5, 2002, Investigator Becky C. Angelilli, the Board's Agent, made a written request to Stanley at the address of record, 5207 Reids Pointe Road, Glen Allen, Virginia 23060, requesting a written response and supporting documentation to the complaint filed with the Board. The Board's Agent requested the documentation be received by September 20, 2002.
5. On October 2, 2002, the Board's Agent made a second written request to Stanley at the address of record, requesting that the documentation be received by October 11, 2002. On or about October 8, 2002, the Board's Agent received information from the Postmaster that Stanley does receive mail at the address of record.
6. On or about October 25, 2002, the Board's Agent called 804-796-1707: The person answering the phone stated Sam and Janice Your Personal Pavers, and the Board's Agent left a message for Samuel Stanley in reference to the complaint.
7. As of October 25, 2002, Stanley failed to respond to the Board's Agent's requests.

### **Conclusion and Recommendation**

Count 1: 18 VAC 50-22-260(B)(8) (Effective May 1, 1999)

Failure by Stanley to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed is in violation of Board Regulation 18 VAC 50-22-260(B)(8), therefore I recommend a monetary penalty be imposed of \$300.00 for a violation of the regulation. In addition, I recommend Stanley successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.

Count 2: 18 VAC 50-22-260(B)(30) (Effective September 1, 2001)

Failure by Stanley to honor the terms and conditions of a warranty is in violation of Board Regulation 18 VAC 50-22-260(B)(30), therefore I recommend a monetary penalty be imposed of \$750.00 for a violation of the regulation. In addition, I recommend Stanley successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.

Count 3: 18 VAC 50-22-260(B)(13) (Effective September 1, 2001)

Failure by Stanley to respond to an investigator is in violation of Board Regulation 18 VAC 50-22-260(B)(13), therefore I recommend a monetary penalty be imposed of \$1,130.00 for a violation of the regulation. In addition, I recommend Stanley successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.

By:

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Robert Burch, Jr.  
Presiding IFF Board Member  
Board for Contractors  
Date: June 3, 2003

**FINAL ORDER RECOMMENDATION**

*THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705-025133 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.*

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

**BOARD FOR CONTRACTORS**

**IN RE: EDGAR G. LAIL, T/A LAIL'S PAINTING & CONTRACTING  
APPLICATION FOR CLASS C CONTRACTOR LICENSE BY  
EXAMINATION**

**FILE NUMBER: 2003-02794**

### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Edgar G. Lail, t/a Baker Construction on April 23, 2003. The following individuals participated at the conference: Edgar G. Lail, Applicant; Debra Lail, Witness; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member.

### **Summation of Facts**

1. Edgar G. Lail applied for a Class C (PTC) Contractor license by examination on or about February 21, 2003.

2. In the application, Edgar G. Lail disclosed the following criminal convictions:

Richmond Circuit Court, Div 1, Burglary, Felony, 12/11/1981  
Chesterfield County Circuit Court, Statutory Burglary, Felony, 6/1/1982  
Chesterfield County Circuit Court, Statutory Burglary, Felony, 3/23/1983

3. During the IFF, Lail testified that these incidents occurred when he was younger and involved with the "wrong crowd". He stated he had served his time, and has stayed out of trouble. His experience in painting has led him to a point in his where he wants to have his own business. Mrs. Lail, spouse, offered her support and testified that Lail was nineteen years old when the incidents happened, Lail is now forty -two and deserves the opportunity

### **Conclusion and Recommendation**

After reviewing the file, and with the information received at the IFF, I recommend Edgar G. Lail be approved his application for Class C (PTC) Contractor License by Examination.

By: \_\_\_\_\_

**Robert Burch, Jr.**  
**Presiding IFF Board Member**  
**Board for Contractors**

**Date: June 3, 2003**

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR CONTRACTORS**

**RE: JOSEPH E. BAKER, T/A BAKER CONSTRUCTION  
LICENSE NUMBER 2705-002565**

**FILE NUMBER: 2002-03659**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Joseph E. Baker, t/a Baker Construction (Baker) on April 24, 2003. The following individuals participated at the conference: Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member. Joseph E. Baker, t/a Baker Construction did not appear in person or by any other qualified representative.

**Summation of Facts**

1. On May 15, 2002, Joseph E. Baker, t/a Baker Construction (Baker) ran an advertisement in the Virginian Pilot Newspaper that held his company out as operating under the name of Buddy Baker Concrete. According to the Board's record, Joseph E. Baker is only licensed to operate under the name of Baker Construction.
2. On May 16, 2002, Baker was told by Ryan Miller, the Board's Agent, not to operate under any name other than the one that is listed on his license, "Baker Construction".
3. On June 10, 2002, Baker again ran an advertisement in the Virginian Pilot Newspaper that held his company out as operating under the name of Buddy Baker Concrete.

### **Conclusion and Recommendation**

Count 1: 18 VAC 50-22-230(A) (Effective September 1, 2001)

Failure by Joseph E. Baker, t/a Baker Construction to operate under the name in which the license is issued is in violation of Board Regulation 18 VAC 50-22-230(A), therefore I recommend a monetary penalty be imposed of \$885.00 for violation of the regulation.

**By:**

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**Robert Burch, Jr.  
Presiding IFF Board Member  
Board for Contractors  
Date: June 3, 2003**

### **FINAL ORDER RECOMMENDATION**

*THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705-002565 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.*

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**



## **BOARD FOR CONTRACTORS**

**RE: GEORGETOWN BUILDERS II INC F/K/A  
CREATIVE CUSTOM HOMES I INC  
LICENSE NUMBER 2705-022859**

**FILE NUMBER: 2003-00256**

### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Gus A. Hicks, Georgetown Builders II, Inc. (Georgetown) on April 24, 2003. The following individuals participated at the conference: Anita Markle and Wilma Short, Complainants; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member. Georgetown Builders II Inc f/k/a Creative Custom Homes Inc. did not appear in person or by any other qualified representative.

### **Summation of Facts**

1. On October 18, 2001, Anita C. Markle ("Markle") and Wilma A. Short ("Short") entered into a contract with Creative Custom Homes I Inc., in the amount of \$168,970.00, for the purchase and set up of a Westmore Home on Lot 28 Morgan I at Lake Anna, Virginia.

2. The contract used by Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) in the transaction failed to contain all the minimum provisions required by the Board's 2001 Regulation 18 VAC 50-22-260(B)(9), subsections (a) when work is to begin and the estimated completion date; (d) "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance; (e) statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning; (f) disclosure of the cancellation rights of the parties; (h) contractor's license expiration date, class of license/certificate, and classification or specialty services; and (i) statement providing that any modification to the contract, which

changed the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.

3. Creative Custom Homes I Inc. (currently licensed as Georgetown Builders II Inc.) hired subcontractor Gus Hicks ("Hicks") of Presidential Classic Homes to install the driveway and build a basement for the house. On or about May 2002, Hicks completed the foundation/basement. On or about June 2002, Creative Custom Homes I Inc. (currently

licensed as Georgetown Builders II Inc.) arranged for the mortgage company to pay Hicks \$23,900.00 directly for his services.

4. On October 17, 2001, Markle paid Creative Custom Homes I Inc. (currently licensed as Georgetown Builders II Inc.) \$16,892.99 by check as a deposit toward the contract.

5. On or about June 8, 2002, Creative Custom Homes I Inc. (currently licensed as Georgetown Builders II Inc.) left the job site. As of June 8, 2002, the only work completed was the foundation. No work was performed by Creative Custom Homes I Inc. (currently licensed as Georgetown Builders II Inc.).

6. Markle and Short sent letters and called Creative Custom Homes I Inc. (currently licensed as Georgetown Builders II Inc.) requesting an explanation why the construction was stopped and if it intended to return to finish the work. As of July 25, 2002, Creative Custom Homes I Inc. (currently licensed as Georgetown Builders II Inc.) failed to respond to the letters or telephone calls from Markle and Short and return the \$16,892.99 deposit.

7. The licensing records of the Board for Contractors revealed Creative Custom Homes I Inc., Class A Contractor's license number 2705022859, changed its name to Georgetown Builders II Inc. on August 12, 2002.

Note: On August 30, 1994, the contractor was initially licensed as Presidential Development I. On August 28, 2001, the license name was changed to Creative Custom Homes I Inc. This is when the contract was entered, and when the complaint was received. On August 12, 2002, the license name was changed to Georgetown Builders II Inc. According to E. Olson, this corporation changed their name properly with the SCC and has provided documentation showing that it is a corporate name change, not a change of corporation.

8. On September 4, 2002, Investigator Janet Creamer, the Board's Agent, sent a letter to Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) at the address of record. The letter was returned from the post office indicating the box was closed and no forwarding order was on file.

9. On September 23, 2002, the Board's Agent sent a certified letter to Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) at the address of record. The letter was returned from the post office indicating the addressee moved left no address.

10. The contract used by Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) in the transaction reflected the address of 348 Main Street, Port

Royal, Virginia. The records further revealed there was no change of address for Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.).

11. The SCC records indicated the address for Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) was 4900 S. Point Parkway, Fredericksburg, Virginia 22407

12. On September 23, 2002, Investigator Janet Creamer, the Board's Agent, sent a certified letter to Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) at 4900 S. Point Parkway, Fredericksburg, Virginia. The letter was delivered on or about September 24, 2002. Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) failed to respond to the Board's Agent's letter.

13. On October 21, 2002, the Board's Agent sent a letter to Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) at the address of record with the Board. Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) failed to respond to the Board's Agent's letter.

14. As of October 25, 2002, directory assistance found no listing for Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) in the Fredericksburg, Spotsylvania, or Manassas area.

15. Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) failed to respond to an investigator seeking information in the investigation of a complaint filed with the Board against the contractor.

16. The State Corporation Commission (SCC) records revealed Presidential Development Inc. became incorporated on November 1, 1989. The SCC records further revealed name changes as follows: (1) on May 24, 2001, from Presidential Development Inc. to Creative Custom Homes I Inc. and (2) on August 7, 2002, from Creative Custom Homes I Inc. to Georgetown Builders II Inc. The SCC records further revealed Gregory A. Clements was the only person registered as the President and Registered Agent of Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.)

Note: On or about December 16, 1993, the Board for Contractors received an application for a Class A Contractor's license in the name of Presidential Development Inc. On the application, Gregory Clements ("Clements") was indicated as the Designated Employee and Qualified Individual of Presidential Development

Inc. and Elizabeth Linton ("Linton") was indicated as the Responsible Management as the President of Presidential Development Inc.

The licensing records of the Board for Contractors revealed the contractor was initially licensed on August 30, 1994, as Presidential Development I. On August 28, 2001, the contractor changed its name to Creative Custom Homes I Inc. On August 12, 2002, the contractor changed its name to Georgetown Builders II Inc. The corporation properly changed its name with the State Corporation Commission and provided documentation showing that it was a corporate name change and not a change of corporation.

On October 21, 2002, the licensing records of the Board for Contractors indicated Linton was Responsible Management as the President of Georgetown Builders II Inc. (formerly licensed as Creative Custom Homes I Inc.) effective August 30, 1994.

### **Conclusion and Recommendation**

Count 1: 18 VAC 50-22-260(B)(9) (Effective September 1, 2001)

Failure by Creative Custom Homes I Inc (currently licensed as Georgetown Builders) to use a written contract containing the minimum requirements, is in violation of Board Regulation 18 VAC 50-22-260(B)(9), therefore I recommend a monetary penalty be imposed of \$300.00 for violation of the regulation.

Count 2: 18 VAC 50-22-260(B)(15) (Effective September 1, 2001)

Failure by Creative Custom Homes I Inc. (currently licensed as Georgetown Builders II Inc) to complete work contracted for and comply with the terms of the contract is in violation of Board Regulation 18 VAC 50-22-260(B)(9), therefore I recommend a monetary penalty be imposed of \$1,800.00 for violation of the regulation, and revocation.

Count 3: 18 VAC 50-22-260(B)(16) (Effective September 1, 2001)

Failure by Creative Custom Homes I Inc (currently licensed as Georgetown Builders II Inc) to retain funds paid by Markle, for which work was not completed, is in violation of Board Regulation 18 VAC 50-22-260(B)(16), therefore I recommend a monetary penalty be imposed of \$1,690.00 for violation of the regulation, and revocation.

Count 4: 18 VAC 50-22-230(B) (Effective September 1, 2001)

Failure by Georgetown Builders (formerly licensed as Creative Custom Homes I Inc) to report in writing to the Board within 30 days of the change in address, is in violation of Board Regulation 18 VAC 50-22-230(B), therefore I recommend a monetary penalty be imposed of \$380.00 for violation of the regulation.

Count 5: 18 VAC 50-22-260(B)(13) (Effective September 1, 2001)

Failure by Georgetown Builders (formerly licensed as Creative Custom Homes I Inc) to respond to an investigator seeking information in the investigation of a complaint filed with the Board is in violation of Board Regulation 18 VAC 50-22-260(B)(13), therefore I recommend a monetary penalty be imposed of \$800.00 for violation of the regulation, and revocation.

Count 6: 18 VAC 50-22-260(B)(1) (Effective September 1, 2001)

Failure by Georgetown Builders (formerly licensed as Creative Custom Homes I Inc) to comply with provisions of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board is in violation of Board Regulation 18 VAC 50-22-260(B)(1), therefore I recommend a monetary penalty be imposed of \$885.00 for violation of the regulation, and revocation.

**By:**

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**Robert Burch, Jr.**  
**Presiding IFF Board Member**  
**Board for Contractors**  
**Date: June 3, 2003**

## **FINAL ORDER RECOMMENDATION**

*THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705-022859 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.*

### **COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

#### **BOARD FOR CONTRACTORS**

**IN RE: BEST IMPROVEMENTS AND QUALITY PAINTING LLC  
APPLICATION FOR CLASS C CONTRACTOR LICENSE BY  
EXAMINATION**

**FILE NUMBER: 2003-02792**

#### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Donald Ray Best, Best Improvements and Quality Painting LLC on April 23, 2003. The following individuals participated at the conference: Donald R. Best, Jr., Applicant; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member.

#### **Summation of Facts**

1. Best Improvements and Quality Painting LLC applied for a Class C Contractor License by examination on or about January 27, 2003.

Type applied for: CIC/HIC/PTC

2. Donald R. Best, Jr., responsible management and qualified individual.
3. In the application, Donald Best, Jr. disclosed the following criminal convictions:  
  
Colonial Heights Circuit Court, Larceny, Felony, 2/16/1989  
  
Colonial Heights Circuit Court, Break and Enter, Felony, 2/16/1989  
  
Colonial Heights Circuit Court, Possess Cocaine Intent Distribute, 18.2-248, Felony, 12/29/1992

U.S. District Court Eastern District of Virginia, Possession of a Firearm by a  
Convicted Felon, Felony, 9/8/95

U.S. District Court Eastern District of Virginia, False Statements to a Firearms  
Dealer, Felony, 9/8/95

4. Donald Best, Jr. has served the required time, paid all fines, and has been released from probation. He has successfully completed a drug rehab program and an anger management class. He is a red belt in martial arts, teaches women self-defense techniques, and competed in martial arts competitions until last year. He has provided letters of reference for exemplary behavior, strong character, and for quality workmanship. He received his SCC certificate on January 15, 2003, and has retained legal and financial services to start his business.

Best also testified that as soon as he was released from incarceration, he moved out of the area to start a new life. He is now married with three step children, and a grandchild.

### **Conclusion and Recommendation**

After reviewing the file, and with the information received at the IFF, I recommend Best be approved his application for Class C license.

By: \_\_\_\_\_

**Robert Burch, Jr.**  
**Presiding IFF Board Member**  
**Board for Contractors**

**Date: June 3, 2003**

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

**BOARD FOR CONTRACTORS**

**IN RE: BRYAN WALSH, T/A SOLAR CONNECTION  
APPLICATION FOR CLASS C CONTRACTOR LICENSE  
BY EXAMINATION**

**FILE NUMBER: 2003-02793**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Bryan Walsh, t/a solar Connection on April 23, 2003. The following individuals participated at the conference: Bryan Walsh, Applicant; Jennifer Kazzi, Staff Member; and Robert Burch, Jr., Presiding Board Member.

**Summation of Facts**

1. Bryan Walsh applied for a Class C (AES) Contractor license by examination on or about December 27, 2002.

2. In the application, Bryan Walsh disclosed criminal convictions.

Montgomery County Circuit Court, Larcey, Felony, 1/7/87  
Montgomery County Circuit Court, Break and Enter, Felony, 1/7/87

3. Walsh stated at the IFF, that he had committed the crimes at the age of eighteen, using poor judgment, and served his time in a Youthful Offender Center, where he earned his GED, and took a welding program that earned a Certified Welding certificate. He has been gainfully employed since his release, and has gained a real interest in the solar industry. His wife helps him with the office and financial side of the business.



Walsh is married with two children, and owns his own home. It appears he has made every effort to turn his life around, and has become an asset to both his family and community.

### **Conclusion and Recommendation**

After reviewing the file, and with the information received at the IFF, I recommend Bryan Walsh be approved for his application for Class B License by Examination.

**By:** \_\_\_\_\_

**Robert Burch, Jr.  
Presiding IFF Board Member  
Board for Contractors**

**Date: June 3, 2003**

## **COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

### **BOARD FOR CONTRACTORS**

**IN RE: LOUIS WINKLER, T/A L & G CONSTRUCTION  
APPLICATION FOR CLASS C CONTRACTOR LICENSE  
BY EXAMINATION**

**FILE NUMBER: 2003-02795**

### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Louis Winkler, t/a L & G Construction on April 23, 2003. The following individuals participated at the conference: Louis Winkler, Jr., Applicant; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member.

### **Summation of Facts**

1. Louis Winkler applied for a Class C Contractor license by examination on or about November 4, 2002.

Type applied for: CEM/EMC/ISC/LSC/MCC/PTC/ROC

2. In the application, Louis Winkler disclosed a criminal conviction.

Pulaski County Circuit Court: Obtain Money By False Pretenses;  
18.2-178; Felony; 8/20/98

3. Mr. Winkler stated at the IFF, that the offense resulted from the issuance and cashing of duplicate workmen's compensation checks, resulting from a work related accident. The first check was not received, and he was issued another. His cashing of both check resulted in the conviction. He attempted to pay back the monies received as a result of cashing the second check, however the process of prosecution was too far along for that remedy.

He paid all fines related to the incident and did community service. He successfully completed his probation. He received a letter of recommendation from Mike Brooks regarding the quality of his work.

Mr. Winkler expressed his regret for his actions, and desire to earn an honest living. As a result of his actions he lost his property.

### **Conclusion and Recommendation**

After reviewing the file, and with the information received at the IFF, I recommend Louis Winkler be approved for his application for Class B License by Examination. Further, I recommend Winkler enter into an Agreement for Licensure, wherein he reports quarterly to the Board for a period of one year, that he is not in violation of any Federal, State or Local Laws and Regulations.

By: \_\_\_\_\_

**Robert Burch, Jr.**  
**Presiding IFF Board Member**  
**Board for Contractors**

**Date: June 3, 2003**

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR CONTRACTORS**

**IN RE: WILLIAM MCMICKLE, T/A W M BUILD  
APPLICATION FOR CLASS B CONTRACTOR LICENSE  
BY EXAMINATION**

**FILE NUMBER: 2003-02796**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to William McMickle, t/a William Builder on April 23, 2003. The following individuals participated at the conference: William McMickle, Applicant; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member.

**Summation of Facts**

1. William McMickle applied for a Class B Contractor license by examination on September 11, 2002.

Type applied for: CEM/BSC/FIC/ISC/LSC/BRK/ROC/PTC/CIC/HIC

2. In the application, William McMickle disclosed a criminal conviction.

Carroll County Circuit Court; Firearm Purchase or Dealer Violation;  
18.2-308.2:2; Felony; 7-15-02.

3. Mr. McMickle stated at the IFF, the conviction resulted from a false statement on a arms registration. He was unaware that the drunk driving issue in North Carolina was a felony. He attempted to buy a gun from Wal-Mart for his son-in-law to go squirrel hunting, at that point the offense in North Carolina appeared on the computer, and the felony charge resulted.

Mr. McMickle has been building all of his life, and provided a letter of recommendation from Dave Williams.

### **Conclusion and Recommendation**

After reviewing the file, and with the information received at the IFF, I recommend William McMickle be approved his application for Class B License by Examination.

By: \_\_\_\_\_

**Robert Burch, Jr.  
Presiding IFF Board Member  
Board for Contractors**

**Date: June 3, 2003**

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR CONTRACTORS**

**IN RE: RICHARD TADLOCK, T/A DOMINION BUILDING  
& CONSTRUCTION CORP.  
APPLICATION FOR CLASS A LICENSE BY EXAMINATION**

**FILE NUMBER: 2003-02797**

### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Richard Tadlock t/a Dominion Building & Construction Corp. on April 23, 2003. The following individuals participated at the conference: Richard Tadlock, Applicant;

Craig Oliver, Witness; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member.

### **Summation of Facts**

1. Richard Tadlock applied for a Class A (BLD) Contractor License by examination on January 29, 2003.
2. Richard Tadlock is listed as the Designated Employee on the application of Dominion Building & Construction Corp.
3. In the application, Richard Tadlock disclosed a prior disciplinary action.
4. Richard Tadlock was the Qualified Individual and Designated Employee of Cedar Run, Inc., and these positions were terminated by Cedar Run, Inc. on April 1, 1997. Actions by Responsible Management of Cedar Run, Inc. led to the revocation of License Number 2705-32604 on August 25, 1998, by the Board for Contractors, Final Order 99-040-98-00819.

An outstanding \$1000 fine, also included in Final Order 99-040-98-00819, was paid by Dominion Builders on or about February 28, 2003.

5. Craig Oliver spoke at great length regarding the incident with Cedar Run, which did not directly involve Richard Tadlock. Mr. Oliver paid the fine on behalf of Mr. Tadlock, without his knowledge, in an effort to clear up matters in order for Mr. Tadlock to receive his license. It is clear that Mr. Tadlock was no longer involved with Cedar Run when the sanctions were imposed.

### **Conclusion and Recommendation**

After reviewing the file, and with the information received at the IFF, I recommend Richard Tadlock, t/a Dominion Building & Construction Corp., be approved for his application for Class C Contractor License by Examination.

By: \_\_\_\_\_

**Robert Burch, Jr.**  
**Presiding IFF Board Member**

**Board for Contractors**

**Date: June 3, 2003**

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

**BOARD FOR CONTRACTORS**

**RE: FORREST W. HAMILTON, III, T/A HAMILTON ELECTRIC, INC.  
LICENSE NUMBER 2701-030402**

**FILE NUMBER: 2003-00293**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Forrest W. Hamilton, III, t/a Hamilton Electric, Inc. (Hamilton) on April 24, 2003. The following individuals participated at the conference: Forrest W. Hamilton, III, t/a Hamilton Electric, Inc., Respondent; Sherry Netherland, Attorney for Hamilton; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member.

**Summation of Facts**

1. Hamilton was issued a Class A license on August 19, 1987.
2. Hamilton is the Qualified Individual, Designated Employee, and Responsible Management as President of Hamilton Electric, Inc.
3. On September 5, 2001, in the Circuit Court of City of Williamsburg and County of James City, Forrest W. Hamilton III was convicted of Statutory Burglary, a felony, in violation of 18.2-91 of the Code of Virginia; Assault and Battery, a misdemeanor, in violation of 18.2-57 of the Code of Virginia; and Damage to Property, a misdemeanor, in violation of 18.2-137 of the Code of Virginia.

Per Sentencing Order entered on February 19, 2002, the court imposed a \$500 fine, ordered Forrest W. Hamilton III to pay \$488 in court costs and sentenced Forrest W. Hamilton III to 10 years and incarceration for Statutory Burglary; 12 months for Assault and Battery; and 12 months for Damage to Property, for a total of 10 years and 24 months. The court suspended 10 years of the Statutory Burglary sentence, 12 months of the Assault and Battery sentence, and 12 months of the Damage to Property sentence for a period of 15 years.

Per Order entered on March 5, 2002, the court granted a motion to vacate the Statutory Burglary charge pending resolution of the Motion to Modify Judgment.

Per Order entered on May 8, 2002, the court granted the Motion to Modify Judgment, finding Forrest W. Hamilton III not guilty of Statutory Burglary but guilty of Trespass, a misdemeanor, in violation of 18.2-119 of the Code of Virginia. Forrest W. Hamilton III was sentenced to 12 months incarceration to run consecutively with all other sentences suspended, but for 12 days incarceration on condition that he perform 100 hours community service work at Habitat for Humanity. Forrest W. Hamilton III was ordered to serve the sentence on weekends starting May 10, 2002 at 6:00 p.m.

4. In a letter from Hamilton, dated May 31, 2002, he indicated the convictions arose from a domestic dispute with his fiancée.

5. During the IFF, Hamilton's attorney, Sherry Netherland, stated that the convictions were not related to contracting. In fact, Hamilton is currently engaged to Bonnie Settle-Brown, the individual involved in the incidents. Netherland also stated that Hamilton has complied with everything the court has asked. Several letters of reference and other documents were provided, including one from Bonnie Settle-Brown.

### **Conclusion and Recommendation**

Count 1: 18 VAC 50-22-260(B)(22) (Effective September 1, 2001)

Hamilton, being convicted of misdemeanors after initial licensure, is in violation of the Boards Regulation 18 VAC 50-22-260(B)(22). Further, no monetary penalty should be imposed.

By:

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**Robert Burch, Jr.**  
**Presiding IFF Board Member**  
**Board for Contractors**  
**Date: June 3, 2003**

### **COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

#### **BOARD FOR CONTRACTORS**

**IN RE: MICHAEL LYNCH, T/A LYNCH ACOUSTICAL CEILINGS  
APPLICATION FOR CLASS B CONTRACTOR LICENSE BY  
EXAMINATION**

**FILE NUMBER: 2003-02799**

#### **Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Michael Lynch, t/a Lynch Acoustical Ceilings on April 23, 2003. The following individuals participated at the conference: Michael Lynch, Applicant; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member.

#### **Summation of Facts**



1. Michael Lynch applied for a Class B (CIC) Contractor license by examination on, or about, March 14, 2003.
2. In the application, Michael Lynch disclosed a criminal conviction:  
  
Virginia Beach Circuit Court, Grand Larceny, 18.2-95, Felony, 7/8/1996
3. Lynch testified he was sentenced to two years with both years suspended, and no probation. He was assessed court costs of \$134.50, which has been paid.
4. In addition, Michael T. Lynch (jointly with Melinda Stafford) had an outstanding tax obligation from Individual Federal Income Tax (1040) from 1996 and 1997. Documentation is provided that Mr. Lynch paid this obligation in full in April of 2000, and currently, has modified his withholdings in order to overpay his tax obligation each month.
5. At the IFF, Mr. Lynch explained the events that resulted in the felony conviction, and admitted that he acted with bad judgment. He is now married with two children, and has worked for the same company for eleven years. He and his wife are excited about opening their own company.

Mr. Lynch provided letters of explanation to the Board, dated January 17, 2003, January 27, 2003, and March 12, 2003.

### **Conclusion and Recommendation**

After reviewing the file, and with the information received at the IFF, I recommend Michael Lynch be approved for his application for Class B License by Examination.

By: \_\_\_\_\_

**Robert Burch, Jr.**  
**Presiding IFF Board Member**  
**Board for Contractors**

**Date: June 3, 2003**

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR CONTRACTORS**

**IN RE: SEAN FRANCIS MCCOY  
APPLICATION FOR TRADESMAN LICENSE BY EXAMINATION**

**FILE NUMBER: 2003-02802**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on June 3, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Sean Francis McCoy on April 23, 2003. The following individuals participated at the conference: Sean Francis McCoy, Applicant; Jennifer Kazzie, Staff Member; and Robert Burch, Jr., Presiding Board Member.

**Summation of Facts**

1. Sean Francis McCoy applied for a Master Electrician (Tradesman) License by examination on or about February 10, 2003.
2. In the application, Sean Francis McCoy disclosed a criminal conviction resulting from a car accident:

Spotsylvania Circuit Court; Involuntary Manslaughter; Felony; 5/7/92

3. Sean Francis McCoy has passed the Master Electrician Regulatory and Technical Examinations.
4. During the IFF, McCoy presented papers from the court regarding the felony conviction. The incident occurred when he was twenty-one, while driving under the influence, and involved two fatalities. He was sentenced to twelve years in 1992, but released the end of 1997. He was placed on parole for two years, and completed a alcohol awareness class.

McCoy is now thirty-three and has a wife and daughter. He has been doing electrical work since he was sixteen, and wants to start a business with his brother. Since the end of 1997, he has been working for other electrical contractors.

### **Conclusion and Recommendation**

After reviewing the file, and with the information received at the IFF, I recommend Sean Francis McCoy be approved for his application for Master Electrician (Tradesman) License by Examination.

**By:** \_\_\_\_\_

**Robert Burch, Jr.  
Presiding IFF Board Member  
Board for Contractors**

**Date: June 3, 2003**